



18 SEP 2002

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In re Application of
Yoshiki NAKAGAWA, et al : DECISION ON
Application No.: 09/889,571 :
PCT No.: PCT/JP00/00452 : PETITION
Int. Filing Date: 28 January 2000 :
Priority Date: 28 January 1999 : UNDER 37 CFR 1.181
Attorney's Docket No.: 010903 :
For: POLYMER, PROCESS FOR PRODUCING :
THE POLYMER AND CURABLE COMPOSITION :
CONTAINING THE POLYMER :
:

This decision is responsive to applicant's "PETITION UNDER 37 CFR 1.181 FOR SUPERVISORY REVIEW" filed 05 April 2002.

BACKGROUND

On 28 January 2000, applicants filed international application PCT/JP00/00452, which claimed priority of an earlier Japanese application filed 28 January 1999. A copy of the international application was transmitted on 03 August 2000 to the USPTO from the International Bureau. A DEMAND was timely filed on 26 June 2000 electing the United States. Accordingly, the thirty (30) month time period for paying the basic national fee in the United States of America expired at midnight on 30 July 2001 (the 28th being a Saturday).

On 30 July 2001, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee, and an English translation of the international application. No oath or declaration of the inventors accompanied the transmittal letter.

On 14 September 2001, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and(b), identifying the application by International application number and international filing date" must be submitted within two months from its 14 September 2001 date of mailing or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 05 April 2002, applicants's representative filed a petition, accompanied with a photocopy of the computer docket showing the due dates recorded for November 14, 2001, which would have been the due date for responding to the Notification of Missing Requirements.

DISCUSSION

A review of the international application reveals that a **NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)"** (Form PCT/DO/EO/905) mailed on 14 September 2001 was mailed to the wrong address. However, a new "**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)"** (Form PCT/DO/EO/905) was mailed to applicants' representative correct address on **09 April 2001**, which also set a new time period to respond to the Notice of Missing Requirements to avoid abandonment of the above application.

Accordingly, petitioner's petition is moot since the USPTO mailed the Notice of Missing Requirements to the correct address on 09 April 2001.

CONCLUSION

The petition under 37 CFR 1.181 is **MOOT**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.



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